

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
K. C. Electric Association)	File No. EB-FIELDWR-12-00001050
Antenna Structure Registrant)	
ASR # 1212979)	NOV No. V201232800025
Flagler, CO)	
)	

NOTICE OF VIOLATION

Released: April 4, 2012

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to K. C. Electric Association (K. C. Electric), registrant of antenna structure # 1212979 in Flagler, CO.

2. On February 27, 2012, an agent of the Enforcement Bureau's Denver District Office inspected antenna structure # 1212979, located at the NE edge of Flagler, CO, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "Except as described in paragraph (h) of this section, the Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of inspection, the agent observed that the Antenna Structure Registration Number was faded and not legible.

- b. 47 C.F.R. § 17.21: "Antenna structures shall be painted and lighted when:
(a) they exceed 60.96 meters (200 feet) in height above the ground or they require special aeronautical study." The FCC Antenna Structure Registration (ASR) for antenna structure #1212979 requires that it be painted and lit in accordance with FCC Paragraphs 1, 3, 11, and 21. Paragraph 11 requires that the structure have sidelights with at least two red obstruction lights installed at its midpoint. At the time of the inspection, the agent observed the antenna structure to have two red obstruction lights installed approximately at the one-third and two-thirds levels of the overall height of the structure.

¹ 47 C.F.R. § 1.89.

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Additionally, the agent observed that one of the two lights at the one-third level was extinguished.

- c. 47 C.F.R. § 17.50: “Antenna structures requiring painting under this part shall be cleaned or repainted as often as necessary to maintain good visibility.” At the time of inspection, the agent observed that the paint on the antenna structure was faded and chipped.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission’s Rules, K. C. Electric must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of K. C. Electric. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

4. This Notice shall be sent to K. C. Electric Association at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*